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*Attorneys for Plaintiffs The Wizard Trades, LLC and Michael Hubbs*

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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THE WIZARD TRADES, LLC, a Utah  
Limited Liability Company, and MICHAEL  
HUBBS, an individual,

Plaintiff,

vs.

CHARLTON LACHASE, an individual,  
ANDRA RUSH, an individual, STEVEN  
DUHON, an individual, and BRIAN  
HERTNEKY, and individual,

Defendants.

**PLAINTIFF’S MOTION FOR  
EXTENSION OF TIME TO RESPOND  
TO ANDRA RUSH’S MOTION TO  
DISMISS**

Case No. 2:23-cv-00207-DBB-DAO

District Judge David Barlow

Magistrate Judge Daphne A. Oberg

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Plaintiffs, The Wizard Trades, LLC, and Michael Hubbs, hereby request that the Court grant Plaintiffs an extension of two weeks to respond to Andra Rush’s Motion to Dismiss so that Plaintiff’s deadline will be August 1, 2023.

Defendant Anda Rush filed her motion to dismiss on June 20, 2023, after receiving a thirty-day extension of time to Answer or otherwise plead. Ms. Rush’s motion was filed while Plaintiff’s counsel was on a family vacation to the mid-west which concluded on July 5, 2023. Pursuant to local rule DUCivR 7-1(a)(4)(A) Plaintiff’s response is due June 18, 2023. On July 10, 2023, Counsel requested that Ms. Rush stipulate to an extension of time, but she refused.

Plaintiff's counsel has a deposition scheduled for July 13<sup>th</sup> which will follow review of documents produced by a third party on July 11, 2023. On July 14, 2023, Plaintiff's counsel has a reply brief due in response to a 50+ page opposition in a state case. Plaintiff's counsel also has two patent applications which must be filed by July 15, 2023 – a date which cannot be extended for either application.

Plaintiff submits that the two-week extension is reasonable and will not prejudice Ms. Rush. There are two other motions to dismiss which are pending in the matter and which have not been scheduled for a hearing. Moreover, Ms. Rush received a 30-day extension of time to Answer the complaint even though she was aware of the litigation for several weeks before she was served.

Respectfully submitted this 10<sup>th</sup> day of July 2023.

BATEMAN IP

/s/Randall B. Bateman  
Randall B. Bateman

*Attorneys for Plaintiffs The Wizard Trades, LLC  
and Michael Hubbs*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO RESPOND TO ANDRA RUSH'S MOTION TO DISMISS**

was served on Defendants as follows CM/ECF on July 10, 2023:

Steven Duhon  
3801 W SPRING CREEK PKWY APT 2122  
PLANO, TX 75023

Brian Hertneky (Via CM/ECF)

Charlton Lachase (Via CM/ECF)

Andra Rush (Via CM/ECF)

/s/Randall B. Bateman